

**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS**

**§439-B. CONTRACTORS CERTIFIED IN EROSION CONTROL**

**1. Definition.** For purposes of this section, "excavation contractor" means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

[ 2007, c. 593, §2 (NEW) . ]

**2. Certification required.** An excavation contractor conducting excavation activity in a shoreland area shall ensure that a person certified in erosion control practices by the department:

A. Is responsible for management of erosion and sediment control practices at the site; and [ 2007, c. 593, §2 (NEW) . ]

B. Is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. [ 2007, c. 593, §2 (NEW) . ]

The requirements of this subsection apply until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetated, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.

[ 2007, c. 593, §2 (NEW) . ]

**3. Application.** This section does not apply to:

A. Activities resulting in less than one cubic yard of earth material being added or displaced; [ 2013, c. 242, §2 (NEW); 2013, c. 320, §13 (NEW) . ]

B. A person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and [ 2013, c. 242, §2 (NEW); 2013, c. 320, §13 (NEW) . ]

C. Municipal, state and federal employees engaged in projects associated with that employment. [ 2013, c. 242, §2 (NEW); 2013, c. 320, §13 (NEW) . ]

[ 2013, c. 242, §2 (RPR); 2013, c. 320, §13 (RPR) . ]

**4. Effective date.** This section takes effect January 1, 2013.

[ 2007, c. 593, §2 (NEW) . ]

**SECTION HISTORY**

2007, c. 593, §2 (NEW). 2013, c. 242, §2 (AMD). 2013, c. 320, §13 (AMD).

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